

DISTRICT OF COLUMBIA COURT OF APPEALS APPELLATE MEDIATION PILOT PROJECT

The District of Columbia Court of Appeals has begun a pilot mediation program to assist parties in resolving newly-filed civil appeals. The cases eligible for mediation under the pilot program include only appeals filed from final judgments of the Civil Actions branch where all parties to the appeal are represented by counsel.

You are receiving the enclosed order because you are counsel in a case that has been selected for this program. Participation in this program is **mandatory**. Mediation will be conducted either by attorneys who have been trained to handle appellate meditations or by senior judges of the D.C. Courts.

Selection in this pilot program does not stay your obligation under D.C. App. Rule 10(b) to order and pay for transcript(s) needed for the appeal. However, as long as the participants comply with the scheduling constraints, briefing will not be directed until after the mediation session has been completed. If follow-up mediation sessions are conducted, the mediator will notify the court whether s/he believes that briefing should continue to be tolled pending the next scheduled mediation session. Dispositive motions should not be filed until after mediation has been concluded.

As counsel, you are expected to:

1. Complete and return to Multi-Door Dispute Resolution Division no later than 10 days from the date of the enclosed order the attached Confidential Mediation Statement
2. Confer regarding the identification of three dates between 20 and 40 days from the date of the enclosed order on which counsel and clients can be available for mediation for at least three hours. Counsel for appellant must complete and return to Multi-Door the attached Date form. We will attempt to schedule the mediation session for one of those time period.

You will be contacted thereafter either by Multi-Door or the D.C. Court of Appeals to schedule a session.

3. Attend the mediation session. Both you and your client **must** attend. In the event that the client is a corporation, counsel shall secure the presence of a representative who has full settlement authority. In the event a non-party is necessary for resolution of the matter, e.g., insurance company, counsel shall either secure the physical presence or availability by telephone of a representative with has full settlement authority.

Conclusion of Mediation:

Once mediation has been concluded, the Court will be informed by Multi-Door of the result; namely, ended with settlement, or ended with no settlement. If the parties reach a settlement, the mediator will have a court form that merely states that the case has been settled and requests the court to dismiss the appeal. Upon the signature of all parties, the mediator will transmit this form to the Court and no other action by the parties will be necessary. If the case is not settled, briefing will be directed once the record on appeal has been filed.